COURTS OF FINAL APPEAL.

The findings of the judges of the Supreme Court in the cases submitted to them in reference to the incorporation of companies and as to the construction of the Insurance Act (see post pp. 749) are a somewhat remarkable illustration of the adage "Quot homines tot sententiæ."

It is common knowledge that in our Supreme Court, as at present constituted, there is a great lack of unanimity; and this is said to come more from one seat than from the others, doubtless indicating a virile independence of thought, and which may also possibly be an illustration of some one's saying that the minority is generally in the right. On the occasions before us, however, to use some nautical phrases which seem appropriate, it was not a spectacle of the result of the exhortation well known to rowing men, of "pull together," but rather of each of them "paddling his own canoe." The result in these cases is that it is not at all clear what the law is on any of the points involved.

We are quite aware that the opinions we have referred to were the result of references to the judges of the Supreme Court under s. 60 of the Supreme Court Act, a provision which came before the Privy Council in *Attorney-General of Ontario* v. *Attorney-General of Canada* (1912), A.C. 571 (see ante vol. 48, pp. 504-507) so that each judge was justified in expressing his individual opinion, and probably was so required. At the same time we wish to take this opportunity of again calling attention to the most important and desirable proposition that the judgments of our court of final appeal should express the views of the majority of the judges, if there are differing views, and that all dissenting opinions should remain a secret of the judge's private council chamber.

The subject of uniformity of decisions on such branches of law as are applicable to all the States of the Union is engaging the attention of judges and legal writers in the United States.